

ORDINANCE NO. 748

AN ORDINANCE condemning portions of privately owned property for Borough purposes, and providing for adjustment of damages.

WHEREAS in the course of effecting certain improvements of streets, alleys and sewers in the Borough of Donora, it is deemed by the Council of the Borough as necessary and expedient for the best interests of the Borough of Donora that portions of privately owned properties within such Borough be condemned and taken for public purposes; therefore,

BE IT ORDAINED AND ENACTED by the Council of the Borough of Donora, in legal meeting assembled, and it is hereby ordained and enacted by virtue of the authority in them vested, as follows, to wit:

SECTION 1. That those portions of the several properties hereinafter described and as more fully shown by drawings hereto attached, to the extent, and for the distances, directions and purposes hereinafter designated, be condemned for the use of the Borough of Donora, Pa., to wit:

A. For sewer purposes: That portion of lots Nos. 46 and 47 in Block No. 54 of the Union Improvement Company's Plan of said Borough, as shown on the attached blue print. Such taking or condemnation to vest in the Borough the permanent right now and at all times hereafter to enter upon such land and construct, maintain, repair and replace such sewer as may now or hereafter be desired by the present or future Borough authorities; provided, however, that such portion of such property hereby condemned shall be held to not exceed 15 feet in width, with line as shown on plan indicating the center line thereof, and that nothing herein contained shall be construed to deprive the present or future owner of such property of continued ingress and egress over the condemned property nor to prevent such present or future owner from making such use of such condemned portion as shall not interfere with or limit its use for Borough purposes, except that no buildings may be erected within the lines of the strip condemned, and in no event shall the Borough be liable for damages to any such present or future owner of such lots for any loss occasioned to any such present or future owner by reason of having made any use of such condemned strip.

B. For sewer purposes: That portion of lot No. 16 in block No. 54 of the Union Improvement Company's Plan of said Borough as shown on the attached blue print. Such taking or condemnation to vest in said Borough the permanent right now and at all times hereafter to enter such land and construct, maintain, repair, and replace such sewer as may now or hereafter be desired by the present or future Borough authorities; provided, however, that such portion of such property hereby condemned shall be held not to exceed 15 feet in width, with line as shown on the plan indicating the center line thereof, and that nothing herein contained shall be construed to deprive the present or future owner of such property of the continued ingress and egress over the condemned property nor to prevent such present or future owner from making such use of such condemned portion as shall not interfere with or limit its use for Borough purposes, except that no buildings may be erected within the lines of the strip condemned, and in no event shall the Borough be liable for damages to any such present or future owner for any loss occasioned to any such present or future owner of such lot by reason of having made any use of such condemned strip.

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C. For sewer purposes: That portion of lot No. 54 in block No. 44 of the Union Improvement Company's Plan of said Borough, as shown by the attached blue print. Such taking or condemnation to vest in said Borough the permanent right now and at all times hereafter to enter upon such land and construct, maintain, repair, and replace such sewer as may now or hereafter be desired by the present or future Borough authorities; provided, however, that such portion of such property hereby condemned shall be held not to exceed 15 feet in width, with line as shown on the plan indicating the center line thereof, and that nothing herein contained shall be construed to deprive the present or future owner of such property of the continued ingress and egress over the condemned property nor to prevent such present or future owner from making such use of such condemned portion as shall not interfere with or limit its use for Borough purposes, except that no buildings may be erected within the lines of the strip condemned, and in no event shall the Borough be liable for damages to any such present or future owner for any loss occasioned to any such present or future owner of such lot by reason of having made any use of such condemned strip.

D. For flood water control, sewer, and street maintenance purposes: Those portions of lots Nos. 6 to 38 (both inclusive) in block No. 77 of the Union Improvement Company's Plan of said Borough, as shown by the attached blue print. Such condemnation to vest in said Borough the permanent right now and at all times hereafter to enter upon such land and construct, maintain, repair, and replace such drains, walls, and other devices as may be deemed necessary or advisable by present or future Borough authorities in the carrying out of the purpose of controlling surface and/or road waters and in preventing land slides or washes of and upon lands and streets below the site of such condemnation. The portion of such condemned lots to be not more than 10 feet in width, with the line as shown upon the drawing representing the center line of such strips. Nothing herein contained shall be construed to prevent present or future owners from such full enjoyment of their respective properties as shall not interfere with, injure, or limit the free use by Borough authorities for the purposes taken.

SECTION 2. That the proper officers of the Borough of Donora, in the name of and as and for the act and deed of such Borough, are hereby authorized and empowered to agree with and pay to the owners of the properties hereinbefore condemned such damages as they, after approval of the amount by the Borough Council, shall deem justly occasioned to such owners by such condemnation; and, in the event such agreement cannot be reached, to tender to such owner or owners the bond of the Borough, securing the payment of such damages as may be finally determined to be due; and, in the event such owner or owners refuse to accept the security tendered, the Borough shall, after written notice of the time when it proposes so to do, present such security to the Court for its approval.

SECTION 3. That as and when an agreement has been reached between the Borough officers and the property owner or owners, or when security has been accepted, or, if refused, when approved by the Court, the Borough may enter upon and take immediate possession of such property herein condemned.

SECTION 4. That in the event the Borough officers and owner or owners of any of such properties herein condemned cannot finally agree upon damages owing to such owners by the Borough, the Borough solicitor shall and he is hereby directed to take proper steps to have Viewers

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appointed and the damages thereby finally determined.

ORDAINED AND ENACTED into an ordinance this 22 day of May, 1940.

S. E. KOEDEL

President of Council

ATTEST:

GEO. W. ALLEN

Borough Clerk

EXAMINED AND APPROVED by me this 23 day of May, 1940.

M. J. SWEENEY

Chief Burgess

ATTEST:

GEO. W. ALLEN

Borough Clerk

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I HEREBY CERTIFY THAT
THIS IS A CORRECT COPY
OF ORDINANCE NO. 748

GEO. W. ALLEN
BOROUGH CLERK